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Attorneys for Defendant TOTAL MERCHANT SERVICES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ABANTE ROOTER AND PLUMBING, INC.,

Plaintiff,

vs.

TOTAL MERCHANT SERVICES, LLC,

Defendant.

Case No: 3:19-cv-05711-EMC

**STIPULATION TO EXTEND TIME TO  
RESPOND TO COMPLAINT**

Date Action Filed: September 11, 2019

1 Plaintiff, Abante Rooter and Plumbing, Inc. (“Abante”), and Defendant, Total Merchant  
2 Services, Inc. (“TMS”), through their respective undersigned counsel, and pursuant to Fed. R.  
3 Civ. P. 6 and Civ. L.R. 6-1 and 7-1, hereby stipulate as follows:

4 1. Abante filed this action against TMS alleging violations of the Telephone  
5 Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”).

6 2. TMS’ response to the complaint filed in this action is due on or before October 8,  
7 2019.

8 3. TMS recently retained the undersigned to investigate and defend the allegations  
9 and claims asserted against it by Abante in this action.

10 4. Counsel for TMS and counsel for Abante have had multiple discussions and have  
11 exchanged information concerning the merits of this action in an attempt to reach an early  
12 resolution, which discussions and exchange of information is ongoing.

13 5. In light of TMS’ recent retention of counsel compounded by the continuing  
14 discussions between the parties concerning an early resolution of this matter, and to conserve  
15 judicial and party resources, the parties have agreed to extend the time for TMS to respond to the  
16 complaint by fourteen (14) days up to and including Tuesday, October 22, 2019, so that TMS  
17 may continue its investigation of the allegations and claims asserted by Abante and continue its  
18 communications with Abante concerning an early resolution of this matter.

19 6. No party will be prejudiced by the extension agreed to herein, and good cause  
20 exists to extend TMS’ time to respond to Abante’s complaint.

21 7. This stipulation will not alter any deadlines established by the Court.

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1           WHEREFORE, IT IS HEREBY STIPULATION by and between the parties, through  
2 their respective counsel, that TMS shall answer or otherwise respond to the complaint on or  
3 before Tuesday, October 22, 2019.

4  
5 Dated: October 7, 2019

Respectfully,

6 LOZEAU DRURY LLP  
7 REBECCA DAVIS

NOSSAMAN LLP  
JAMES H. VORHIS

8  
9 By: /s/ Rebecca Davis  
Rebecca Davis

By: /s/ James H Vorhis  
James H. Vorhis

10 *Attorneys for Plaintiff ABANTE*  
11 *ROOTER AND PLUMBING, INC.*

*Attorneys for Defendant TOTAL*  
*MERCHANT SERVICES, LLC*